

## **II. REMARKS**

The single pending claim 51 has been amended.

### **Support for Amendments to the Claim 51**

The amended elements and their support are the following:

Support for “receiving a plurality of documents in a print queue, wherein each document is placed at the end of the print queue when it is received” is found in the specification at least at FIG. 3, step (158);

Support for “using a prioritization program, analyzing the plurality of documents in the print queue and prioritizing the plurality of documents in accordance with a user assigned priority stored in a data hidden in each document, wherein the user assigned priority may be a high priority, a medium priority, or a low priority” is found in the specification at least in FIG. 3 at steps (160), (162), (166), and (170).

Support for “adding an interrupt instruction to each document having the high priority” is found in the specification at least at FIG. 3, step (164).

Support for “ordering the plurality of documents in the print queue, wherein each document having a high priority is moved to the front of the print queue, followed by each document having a medium priority, and then followed by each document having a low priority, wherein the earliest document having a high priority is first in the print queue, and the newest document having a low priority is last in the print queue, and wherein all documents of like priority are placed in the print queue in the order they were received” is found in the specification at least at FIG. 3, steps (158), (164), (168), and (172); and at page 9:1-5.

Support for “sending the plurality of documents in the print queue to a classification program” is found in the specification at least at FIG. 3, step (174), FIG. 4 (204) and p 10:5-6.

Support for “using a classification program, processing the print queue by separating each of the plurality of documents into a plurality of document pages each having a document page data hidden in the page” is found in the specification at least in FIG 4 and FIG. 8.

Support for “wherein the required printer type comprises a specific printer, a color printer, and a black/white printer” is found in the specification at least at FIG 4, steps (212), (216) and (218); FIG. 8, elements in block 728; and a control program for each type of required printer shown in FIGS. 5-7.

Support for the amended element “sending the earliest high priority document to the classification program and instructing the classification program to suspend the processing of a currently printing document by the classification program until the processing of the earliest high priority document has been completed, and then resume printing the currently printing document, and when the currently printing document is a high priority document, to finish printing the currently printing document and then print the earliest high priority document” is found in the specification at least at FIG. 3, steps (164) and (174); and at pages 9:6-12 and 10:6-11.

Other elements of amended claim 51 were described in the prior amendment filed April 7, 2008.

**Claim Rejection: 35 U.S.C. § 103(a)**

The examiner rejected the pending claim 51 under 35 U.S.C. § 103(a) over Rourke *et al.* U.S. Pat. No. 5,995,721 (hereafter “Rourke”) in view of Patton U.S. Pat. No. 7,265,855 (hereafter “Patton”).

As noted in MPEP 2142:

The legal concept of *prima facie* obviousness is a procedural tool of examination which applies broadly to all arts. It allocates who has the burden of going forward with production of evidence in each step of the examination

process. [citations omitted] The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness....

To reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. Knowledge of applicant's disclosure must be put aside in reaching this determination, yet kept in mind in order to determine the "differences," conduct the search and evaluate the "subject matter as a whole" of the invention. The tendency to resort to "hindsight" based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

The examiner contends that Rourke FIG 3, and 7:20-31, teaches a "classification program" because the "job ticket" in Rourke has "information about each print document."

Applicant respectfully traverses this finding. Reconsideration is requested.

Rourke 7:20-31 discloses a "job ticket" that includes attribute information that characterize a document job, such as "quantity, copy count, finishing requirements, plex and page numbering, color separation, image quality, image size, color, location on the page." In other words, Rourke's "job tickets" control the printing of individual pages of a print job. In contrast, applicant's "classification program" accepts a prioritized document queue [FIG. 4, steps (164), (168) and (172)] and sorts document pages into holding queues for a specific printer, a color printer or a black/white printer [FIG. 4, steps (212), (216), (218)]. The applicant's configuration program will also accept an "interrupt instruction" [FIG. 3, step (164)] to stop processing print jobs in favor of a high priority job [page 10:10]. In other words, applicant's classification program contains not only document attributes such as those in Rourke, but also printer controls to select and direct the printing of the documents.

The examiner asserts that Rourke 9:27-34 teaches that a required printer type is determined from the document page data in each of the plurality of document pages. Applicant respectfully traverses this finding. Reconsideration is requested. Rourke 9:27-34 describes a “matrix of queues” that are “dynamically” generated “for processing at least a portion of the job.” This dynamic matrix of available printers is not the same as allocating specific pages of a print job to a specific printer.

The examiner asserts that Rourke 8:65-9:4 discloses the required printer queues. However, Rourke 8:65-9:4 only disclose a black/white printer and two types of color printers. Rourke does not disclose a queue for a specific printer (such as one containing letterhead).

Applicant agrees with the examiner (Office Action page 4) that Rourke does not disclose the use of a prioritization program for prioritizing a plurality of documents in accordance with a user assigned priority. Likewise, Rourke does not interrupt the processing of a print job in favor of a high priority document.

The examiner contends that the deficiencies of Rourke are met by Patton.

Patton is a printing control system facilitating the interruption of a currently printing job on a single printer so that a higher priority job can be printed. Patton, Abstract. Patton functions by inserting an identifier in a job in a print queue table 98. Patton’s print queue table 98 “identifies jobs currently awaiting printing and the order in which those jobs will be printed.” [Patton 4:30-31]. If “urgent printing” is designated, “the urgent job is inserted at the front of the print queue table [FIG. 5, step (118)] when the table is updated.” [Patton 4:33; 4:43-46]. The urgent job is printed as the “next job” after it is received. [FIG. 5, step (120)]. Patton’s pre-existing job is saved to resume printing after the urgent job is printed. [FIG. 5, step (130); Patton 5:1-5; 5:18-25].

In contrast, in claim 51 “each document is placed at the end of the print queue when it is received.” Thereafter, the print queue is prioritized “wherein each document having a high priority is moved to the front of the print queue, followed by each document having a medium priority, and then followed by each document having a low priority, wherein the earliest document having a high priority is first in the print queue, and the newest document having a low priority is last in the print queue, and wherein all documents of like priority are placed in the print queue in the order they were received, and wherein all documents of like priority are placed in the print queue in the order they were received”.

Patton always places an urgent job at “the front of the queue” [Patton FIG. 5, step (118)]. Patton’s approach results in a last in, first out sequence if there are multiple urgent print jobs in the queue. In Patton FIG. 5, an urgent print job would be aborted at step (126) in favor of a later urgent print job. In contrast, claim 51 insures that adjacent jobs of like priority are processed on a first in-first out basis (i.e. “wherein all documents of like priority are placed in the print queue in the order they were received”).

The examiner concludes that Rourke and Patton are properly combinable. Applicant respectfully traverses this finding. Reconsideration is requested. As noted above, Rourke’s “job tickets” control the printing of individual pages of a print job. Rourke then sorts these individual pages to a “matrix” of available printers. The job tickets in Rourke do not have any method for inserting a priority tag, or of otherwise controlling the priority of individual jobs. Patton, on the other hand, cannot manage multiple printers for a single document.

If an attempt was made to combine Rourke and Patton without reference to applicant’s teaching, the resulting multiple printer control system would be unable to reassemble a job after it was printed. As shown above, Patton cannot sequence multiple urgent jobs. Consequently, it

cannot sequence the printing of multiple pages from urgent jobs across multiple printers.

Patton's control system would be fatally defective in the context of Rourke's teaching.

**Conclusion**

Applicant submits that amended claim 51 is in condition for allowance.

Respectfully submitted,



Rudolf O. Siegesmund  
Registration No. 37,720  
Gordon & Rees LLP  
Suite 2800

2100 Ross Avenue  
Dallas, Texas 75201  
214-231-4660  
214-461-4053 (fax)  
[rsiegesmund@gordonrees.com](mailto:rsiegesmund@gordonrees.com)